

HB 3560-3
(LC 845)
3/27/25 (RLM/ps)

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 3560**

1 On page 1 of the printed bill, delete lines 6 through 30.

2 On page 2, delete lines 1 through 11 and insert:

3 **“SECTION 2.** ORS 329A.440 is amended to read:

4 “329A.440. (1) As used in this section:

5 “(a) ‘Child care center’ means a:

6 “(A) Child care facility, other than a family child care home, that is
7 certified under ORS 329A.280 (3)[.];

8 **“(B) Preschool recorded program or school-age recorded program**
9 **recorded under ORS 329A.255; or**

10 **“(C) Parent cooperative, as defined in ORS 329A.250.**

11 “(b) ‘Family child care home’ means a child care facility in a dwelling
12 that is caring for not more than 16 children and is certified under ORS
13 329A.280 (2) or is registered under ORS 329A.330.

14 “[*(c) ‘Land use regulation’ and ‘local government’ have the meanings given*
15 *those terms in ORS 197.015.*]

16 “(2)(a) A family child care home is considered a residential use of prop-
17 erty for zoning purposes. A family child care home is a permitted use in all
18 areas zoned for residential or commercial purposes, including areas zoned for
19 single-family dwellings.

20 “(b) A local government may not enact or enforce a land use regulation
21 prohibiting the use of a residential dwelling, located in an area zoned for

1 residential or commercial use, as a family child care home.

2 “(c) A local government may not impose land use regulations, special fees
3 or conditions on the establishment or maintenance of a family child care
4 home more restrictive than those imposed on other residential dwellings in
5 the same zone.

6 “(3) Notwithstanding subsection (2)(c) of this section, a county may im-
7 pose reasonable conditions on the establishment of a family child care home
8 in an area zoned for [*farm use*] **exclusive farm use, forest use or mixed**
9 **farm and forest use.**

10 “(4)[(a)] A child care center is a permitted use [*in all areas zoned for*] **on**
11 **land:**

12 “(a) **Zoned primarily for multiunit residential uses and to allow for**
13 **development at the following densities:**

14 “(A) **Seventeen dwelling units per net residential acre within the**
15 **Metro urban growth boundary; or**

16 “(B) **Twelve dwelling units per net residential acre within an urban**
17 **growth boundary outside of Metro;**

18 “(b) **In areas within an urban growth boundary that are primarily**
19 **zoned to allow for residential use, provided that the center is colocated**
20 **with a legally established institutional use, including a civic center,**
21 **public recreational center, public park, place of worship, school, col-**
22 **lege or library; or**

23 “(c) **Zoned primarily for commercial or industrial use, except in areas**
24 **specifically designated by the local government for heavy industrial use.**

25 “(5) **For an institutional use conditionally allowed under subsection**
26 **(4)(b) of this section, a local government may not add additional con-**
27 **ditions of approval before allowing a child care center to be colocated**
28 **with the institutional use.**

29 “[*(b)*] (6) A local government may not impose land use regulations, special
30 fees or conditions on the establishment or maintenance of a child care center

1 in an area zoned for commercial or industrial use **under subsection (4)(c)**
2 **of this section** that are more restrictive than those imposed for other uses
3 in the same zone[.]

4 “[*(5) Notwithstanding subsection (4) of this section, a*], **but the** local gov-
5 ernment may impose [*reasonable conditions*] upon the establishment or
6 maintenance of a child care center in an area zoned for industrial uses[.]

7 “[*(6) As used in this section, ‘reasonable conditions’ includes, but is not*
8 *limited to,*] **reasonable conditions, including** siting restrictions for prop-
9 erties designated on the Department of Environmental Quality’s statewide
10 list of contaminated properties as having known or suspected releases of
11 hazardous substances.”.

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